MONTANA LEGISLATIVE HISTORY

Chapter 337 1977

Bill H _____ S B 119 Original bill & history ✓ C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) 3/9	___C	Hearing Date(s) 1/21	___C
3/10	___C	1/29	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Senate BILL NO. 119

INTRODUCED BY Hazelbaker Roberts

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENABLE PEACE OFFICERS TO RETAIN ALL PRIVILEGES AND IMMUNITIES FROM LIABILITY, AND ALL PENSION, INSURANCE, SALARY, AND OTHER BENEFITS TO WHICH THEY ARE NORMALLY ENTITLED WHEN RESPONDING TO OR PROVIDING ASSISTANCE TO ANY OTHER PEACE OFFICER WHO HAS CALLED FOR ASSISTANCE AND PROVIDING GUIDELINES FOR REIMBURSEMENT OF ENTITIES WHOSE EMPLOYEES ASSIST OTHER ENTITIES UNDER THIS ACT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Law enforcement mutual assistance authorized -- powers, duties, rights, and privileges of assisting officers. A peace officer or any law enforcement entity of any county or municipality or state government law enforcement entity may request the assistance of a peace officer from another law enforcement entity within the state of Montana. A peace officer, while on such request for assistance, has the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity.

Section 2. Peace officer rendering assistance entitled to all rights of employment. A peace officer rendering assistance under [section 1 of this act] is entitled to the

INTRODUCED BILL

same wage, salary, pension, workers' compensation, and all other service rights for such service as for service rendered within the law enforcement entity in which he is normally employed.

Section 3. Employing entity to pay normal expenses for assisting officer -- reimbursement in certain cases. The law enforcement entity employing a peace officer who renders assistance shall pay all wage, pension, and disability payments, claims for damage to clothing and equipment, and medical expense incurred by its personnel in rendering assistance. Upon making such payment such law enforcement entity shall be reimbursed by the law enforcement entity that requested the services out of which the payments arose. The employing entity shall also provide workers' compensation coverage for its employees while rendering assistance.

Section 4. Assisted entity liable for obligation resulting from rendered assistance. A law enforcement entity requesting assistance under [section 1 of this act] is also liable for any liability or obligation to indemnify the assisting peace officer, his legal representative in case of death, or the furnishing law enforcement entity for any liability or obligation to indemnify created by 82-4322.1 and 82-4323 that may result from the assistance furnished.

-End-

SB119

FORTY-FIFTH LEGISLATIVE SESSION

1977

COMMITTEE ON JUDICIARY

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
S.B. 56	1-6-77	1-13-77	1-20-77		1-20-77				
S.B. 58	1-7-77	1-17-77	1-17-77	1-17-77					
S.B. 58	Rereferred 1-20-77	1-21-77	1-21-77			1-21-77			
S.B. 67	1-8-77	1-19-77	2-18-77		2-18-77				
S.B. 70	1-10-77	1-17-77	1-17-77			1-17-77			
S.B. 75	1-11-77	1-25-77	2-4-77		2-4-77				
S.B. 92	1-13-77	1-20-77	1-20-77	1-20-77					
S.B. 95	1-13-77	1-20-77	1-21-77		1-21-77				
S.B. 97	1-13-77	1-27-77	2-4-77			2-4-77			
S.B. 115	1-17-77	1-21-77	2-10-77			2-10-77			
S.B. 119	1-18-77	1-21-77	1-29-77			1-29-77			
S.B. 125	1-18-77	1-22-77	2-21-77		2-21-77				
S.B. 125	2-22-77	2-23-77	2-23-77			2-23-77			
S.B. 149	1-19-77	1-28-77	2-10-77			2-10-77			
S.B. 153	1-19-77	2-2-77	2-10-77			2-10-77			
S.B. 156	1-20-77	1-26 & 1-31-77	1-31-77			1-31-77			

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 21, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:30 a.m. in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All members were present at this meeting.

CONSIDERATION OF SENATE BILL 115:

Tom Stoll, Administrator, Inheritance Tax Division, Department of Revenue, said that his division also handles abandoned property and that he would like to get together with Senator Towe to make an amendment.

At this time, Senator Towe explained the bill to the committee. The purpose of the bill is actually to reduce the paper work required.

Mr. Stoll told the committee that the problem his division has is that there is no minimum refund established and that he would like the minimum refund to be the same as the aggregate amount.

There being no more proponents or opponents of the bill present, it was decided that S.B. 115 would be considered at a later date.

CONSIDERATION OF SENATE BILL 119:

Senator Hazelbaker of District 41 was present, as co-sponsor of the bill with Senator Roberts, and explained the bill to the committee. He said that this bill had been drafted because many times law enforcement officers call for backups from other law enforcement type agencies.

At this time, the representative of the Chiefs of Police Association, Chief Gerald T. Dunbar of Billings, Montana, said that matters covered by this bill had been worked on at several meetings over the past few years, and that he thought it was a good bill. Joe Sol of the Montana Highway Patrol also spoke briefly on behalf of S.B. 119, as did Tom Dowling, representing the Sheriff's & Peace Officers Association, and Tom Harrison, representing the Montana Police Protective Association. Mr. Dowling and Mr. Harrison answered questions by the committee on the bill.

There were no opponents to S.B. 119 present.

Since there were many of the associations' representatives present, the Chairman asked that the committee and the representatives work this bill out immediately during this committee meeting.

DISPOSITION OF SENATE BILL 119:

Sen. Towe moved to amend page 1, section 1, line 17, following "municipality or" by inserting an "a"; and to further amend Senate Bill 119 on page 2, section 3, line 12, following "shall" by inserting ", if it so requests,". Motion carried unanimously.

Senator Towe then moved to amend page 2, section 3, line 13, following "services" by striking "out of which the payments arose" and inserting "for all wages, claims for damage to clothing and equipment, and medical expense not otherwise reimbursed". The motion carried unanimously.

Senator Warden moved that Senate Bill 119, as amended, DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 58:

Senate Bill 58 had been recalled by this committee in order that Senate Bill 95 could be correctly incorporated into it.

DISPOSITION OF SENATE BILL 58:

Senator Towe moved that Senate Bill 58 be amended in the title, line 5, following: "OF" by inserting "PROFESSIONAL"; and to further amend the title, line 8, following "COMMITTEES" by striking the "." and inserting "AND PROVIDING AN EVIDENTIAL PRIVILEGE FOR COMMITTEE RECORDS AND MEMBER TESTIMONY."

And to further amend page 1, section 1, line 16, following "of a" by inserting "professional";

And to further amend on page 2, section 1, subsection (2), line 8, following line 7, by inserting "(2) The proceedings and records of professional utilization, peer review, and professional standards review committees are not subject to discovery or introduction into evidence in any proceeding. However, information otherwise discoverable or admissible from an original source is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before the committee, nor is a member of the committee or other person appearing before it to be prevented from testifying as to matters within his knowledge, but he cannot be questioned about his testimony or other proceedings before the committee or about opinions or other actions of the committee or any member thereof.", and renumber the subsequent subsection.

The motion for the above amendments carried unanimously.

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 1/21/77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman	✓		
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret	✓		

6

1-21-77

Judiciary

S.B. 115 & 119

VISITOR'S REGISTER

Note Bill

NAME	REPRESENTING	Check One: Support	Oppose
Gene J. Daugherty	Chiefs of Police Assn	✓	
Charles W. O'Reilly	Asst. Dir. Montana Justice Project	✓	
Clayton Bain	Peace Officers Standards & Training	✓	
Tom Dowling	Sheriff's & Peace Officers Assn	✓	
Tom Stoll	Dept. of Revenue 115	-	
[illegible]	Independent Ins. Agents of Montana	Neutral	
Jerry Sol	Highway Patrol	✓	
[illegible]	Chiefs of Police Assn	SB 119 ✓	

(Please leave prepared statement with Secretary)

X

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 29, 1977

The meeting of this committee was called to order on the above date by Senator Turnage, Chairman, at 9:40 a.m. in Room 415 of the State Capitol Building.

ROLL CALL:

All members of the committee were present for this meeting.

WITNESSES PRESENT TO TESTIFY:

Tom Honzel - Deputy County Attorney, Lewis & Clark County
Senator Tom Hager - District 30

CONSIDERATION OF SENATE BILL 176:

Senator Murray, co-sponsor of this bill with Senator Regan, explained the purpose of the bill to the committee, saying that it would give a 20-day period after a divorce before it became final.

There were no proponents or opponents of the bill present to testify.

DISPOSITION OF SENATE BILL 176:

Senator Warden moved that Senate Bill 176 DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 180:

Senator Tom Hager, District 30, sponsor of this bill, told the committee that the county attorneys had assured him it was a simple bill.

Tom Honzel, Deputy County Attorney of Lewis & Clark County, representing the County Attorneys Association, said that the only thing this bill actually does is add the words "or concealment of merchandise" which should clarify the law.

Since there were no other proponents or opponents present to testify, the Chairman allowed the committee to ask questions of Mr. Honzel.

DISPOSITION OF SENATE BILL 180:

Senator Roberts moved to strike section 1 in its entirety and, as so amended, DO PASS.

Senator Regan moved as a substitute motion that S.B. 180 DO NOT PASS.

Senator Roberts then moved as a substitute motion for all motions pending that consideration be passed for the day. This motion carried unanimously.

CONSIDERATION OF SENATE BILL 119:

Joan Mayer, Legislative Council attorney, went over the amendments she had prepared on this bill.

Senator Ragen moved that the committee reconsider their previous action in passing S.B. 119 as amended. This motion carried unanimously.

DISPOSITION OF SENATE BILL 119:

Senator Ragen moved the adoption of the amendments prepared by Joan Mayer. The motion carried unanimously.

Senator Warden moved that S.B. 119 as amended DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 34:

The Legislative Council attorney, Joan Mayer, went over the amendment she had prepared to page 95 and the repealers for the committee.

Senator Towe moved the adoption of the repealers. Motion carried.

DISPOSITION OF SENATE BILL 34:

Senator Roberts moved that S.B. 34 as amended DO PASS. The motion carried unanimously.

The attorney from the Council is to prepare all amendments passed on Senate Bill 34 in order that the committee may look them over before the Committee Report is filed.

The Chairman asked that Joan call Tom Stoll for his suggested amendments on S.B. 115 for Monday, January 31, 1977. He also tentatively set S.B. 156 consideration for Monday, along with further consideration of Senate Bills 27 and 33.

DISPOSITION OF SENATE BILL 23:

Senator Olson moved that S.B. 23 DO NOT PASS. The motion carried unanimously.

There being no further business before the committee, the committee adjourned at 10:55 a.m..

Jean A. Turnage

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 1/31/77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman	✓		
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

January 29, 19 77

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration Senate Bill No. 119

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENABLE PEACE OFFICERS TO RETAIN ALL PRIVILEGES AND IMMUNITIES FROM LIABILITY, AND ALL PENSION, INSURANCE, SALARY, AND OTHER BENEFITS TO WHICH THEY ARE NORMALLY ENTITLED WHEN RESPONDING TO OR PROVIDING ASSISTANCE TO ANY OTHER PEACE OFFICER WHO HAS CALLED FOR ASSISTANCE AND PROVIDING GUIDELINES FOR REIMBURSEMENT OF ENTITIES WHOSE EMPLOYEES ASSIST OTHER ENTITIES UNDER THIS ACT."

Respectfully report as follows: That Senate Bill No. 119

introduced bill, be amended as follows:

1. Amend page 1, section 1, line 17.
Following: "municipality or"
Insert: "a"

2. Amend page 2, section 3, line 8.
Following: "shall"
Strike: "pay"
Insert: "make"

3. Amend page 2, section 3, line 9.
Following: "payments"
Strike: ", claims"
Insert: "and payments"
Following: "equipment"
Strike: ","
Insert: "due to the officer as a result of the rendering of assistance"
Following: "and"
Insert: "shall pay any"

DO PASS

(Continued on page 2)

Chairman.

STATE PUB. CO.
Helena, Mont.

11

SENATE January 29, 1977

COMMITTEE ON JUDICIARY AMENDMENT TO SENATE BILL NO. 119

4. Amend page 2, section 3, line 10
Following: "by"
Strike: "its personnel"
Insert: "the officer"

5. Amend page 2, section 3, line 11
Following: "assistance"
Insert: "for which the officer is not otherwise entitled to reimbursemen by operation of law or a contract"

6. Amend page 2, section 3, line 12
Following: "shall"
Insert: ", if it so requests,"

7. Amend page 2, section 3, line 13
Following: "services"
Strike: "out of which the payments arose"
Insert: "for all payments made for wages and damage to clothing and equipment and for any medical expense for which neither the employing entity nor the officer is otherwise entitled to reimbursement by operation of law or a contract.

8. Amend page 2, section 4, lines 19 and 20
Following: "act]"
Strike: "is also liable for any liability or obligation to"
Insert: "shall"

AND AS SO AMENDED, DO PASS.

and as amended,
DO PASS
XXXX

JUDICIARY COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 685	to amend, relating to tenants security deposits to allow deductions for cleaning expenses, etc.	2-7	Fagg	Monday 14th	table do pass amended	2-15 2-24
HB 713	Montana marketable title act of 1977	2-7	Ramirez	Monday 14th	do pass as amended	2-15
HB 718	revising definitions & duties under the citizen partici-pation law	2-7	Meloy	Monday 14th	do pass	2-15
HB 719	revise, limit, & standardize travel expense paid from public funds, not including the legislative	2-7	Meloy	Tuesday 15	do pass as amended	2-15
HB 720	revise, limit, etc. travel expense reimbursements paid from public funds by local gvt entities and to change for actual or necessary etc	2-7	Meloy	Tuesday 15	do pass	2-15
SB 119	enable peace officers to retain all privileges & immunities from liability & all pension, insurance when	2-7	Hazelbaker	March 9	concurred in	3-10

13

JUDICIARY COMMITTEE
March 9, 1977

The regularly scheduled meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building, Helena, on Wednesday, March 9. All members were present with the exception of Representatives Colburn and Kennerly.

Scheduled for hearing were Senate Bills 58, 119, 215, 229, 250, 254, 326 and 176.

SENATE BILL #215:
SENATOR TURNAGE, DISTRICT #14:
This bill came about because people raising buffalo let them run at large, and they have become a problem in some areas. The fish and game doesn't want them on their list, they don't want to bother with them. The bill states there would be liability of the owners for trespass.

There were no other proponents and no opponents.

The hearing closed on Senate Bill #215.

The hearing opened on Senate Bill #326:

SENATE BILL #326:
SENATOR TURNAGE, DISTRICT #14:
This came up in Lake County. In cases in which the term used to be annulment, it is now declaring the invalidity of a marriage. We changed the wording because of the common law marriage. Before we adopted the uniform marriage law you could annul any marriage. The law now states certain circumstances in which a marriage cannot be annuled. He cited these instances.

No other proponents and no opponents.

The hearing closed on Senate Bill #326.

The hearing opened on Senate Bill #119

SENATE BILL #119:
SENATOR HAZELBAKER, DISTRICT #24:
This bill is designed from bills from other states, to retain all privileges and immunities from liability, when responding to or providing assistance to any other peace officer who has called for assistance. It would provide guidelines. This would be if a peace officer is rendering assistance and is injured while doing so this would entitle him to his same salary, insurance, pension and other benefits.

PROPONENT, JOE SOLE, MONTANA HIGHWAY PATROL:
We want to be able to give help if in a situation where it might be required, such as a family fight. This would help there, they would

be under our umbrella. He gave other examples in which the patrol might give assistance to other officers, such as fire, riot, etc.

PROPONENT, CLAYTON BAIN, BOARD OF CRIME CONTROL:
We favor this bill. This clears up all of the gray areas, all those situations that could arise.

CHUCK O'REILLY, MONTANA JUSTICE PROJECT:
I am in support of this bill.

There being no other proponents and no opponents, the hearing closed on Senate Bill #119.

The hearing opened on Senate Bill #250:
SENATOR HAZELBAKER, DISTRICT #41:
This bill is revising the board of crime control, to include the court administration. There were 16 on the board and it will be raised to 18. This would be to comply with the guidelines of the federal regulations of the board of crime control.

PROPONENT, VIRGINIA GRIFFING:
She gave the committee a copy of proposed revisions as compiled by the board of crime control. (attached)

The hearing closed on Senate Bill #250.

The hearing opened on Senate Bill #229:
SENATOR HAZELBAKER, District #41:
This bill would clarify the order of priorities for the distribution of assets of liquidation of insurance companies. He went through the bill and explained it and gave the list of priorities. He commented that this bill has the endorsement of the state insurance department.

PROPONENT, TERRY MAR, OFFICE OF STATE AUDITOR:
I am the chief executive under Sonny Omholt. Our office is in support of this bill. It would clarify. We are already attempting to do these things, and this bill would help us.

PROPONENT, CHAD SMITH, AMERICAN INSURANCE ALLIANCE:
He presented the committee with a copy of a prepared statement in support of the bill. The insurance companies are strongly behind this type of policing. He went through sections of the bill and explained some of their ideas of it. Page 2 of the bill, the only things that come ahead of the policy holders are expenses of administration, compensation of employees, taxes and debts due which are considered by liens. The second part of the bill deals with early access to the money. This provides that within 120 days they can go to court.

PROPONENT, GLEN DRAKE, AMERICAN INSURANCE CORPORATION:
I represent 80 stock companies. We support the bill. We would urge it to pass.

JUDICIARY COMMITTEE

March 10, 1977

The regular meeting of the House Judiciary Committee was called to order by Chairman Scully at 7:30 a.m. in room 436 of the Capitol Building, Helena, Montana on Thursday. Members not present were Representatives Colburn, Kennerly, Dussault and Keyser.

Scheduled for hearing were Senate Bills 101, 115, 149, and 262.

SENATE BILL #149:

SENATOR HAZELBAKER, DISTRICT #41:
This bill would provide for the death penalty in certain cases. And also to provide for a separate sentencing hearing and to determine the existence or nonexistence of aggravating or mitigating circumstances. He went on to explain what evidence may be presented, such as circumstances of the crime, the defendants character, background, history, mental and physical condition, and any other facts that might be admissable.

CHUCK O'REILLY, MONTANA JUSTICE PROJECT:
This came about primarily at the request of county attorneys across the state. They determine that one or two portions of current law might be constitutional but that in most cases it wasn't. You will notice in this bill it sets forth specific rules. They must be enumerated.

TOM DOWLING, COUNTY ATTORNEY ASSOCIATION AND PEACE OFFICERS:
If you are going to hang somebody this seems to be the constitutional way to do it. Both organizations will support the bill.

After some general discussion the hearing closed on Senate Bill #149.

SENATE BILL #101:

SENATOR JERGESON, DISTRICT #3:
This bill requires legislative approval of administrative rules before such rules, to which an objection has been filed by a legislator take permanent effect. If any five legislators during the first 7 legislative days object to a rule by filing a statement setting forth reasons for their objection, then the rule can be repealed effective the last day of that session. If a rule which is the subject of an objection is not approved by a joint resolution the secretary of state shall delete the rule from the administrative code. He went on to further explain the bill. As amended in the Senate, the rules promulgated during the interim might be challenged and would have to go through the legislative process to reinstigate the rule. It requires legislative input and legislative reliability. It would be a great step forward.

JUDICIARY COMMITTEE

Executive session
March 10, 1977

The executive session followed the regular meeting of the House Judiciary committee on Thursday, March 10 at 8:30 a.m. in room 436 of the Capitol Building, Helena, Montana. Members absent and not voting were Representatives Dussault and Kennerly.

SENATE BILL #41:
REPRESENTATIVE LORY moved "be concurred in".
The motion carried with the vote unanimous.

SENATE BILL #42:
REPRESENTATIVE CONROY moved "be concurred in".
The motion carried with Representative Hand voting "no".

SENATE BILL #43:
REPRESENTATIVE RAMIREZ moved "be concurred in".
The motion carried with the vote unanimous.

SENATE BILL #53:
REPRESENTATIVE LORY moved "be concurred in".
Representative Eudaily reported what he had found out on the school fund. There is a special school fund in budgets for liability coverage. That would make it possible for them to set up this fund and levy this millage. There is no reserve fund but the schools feel this can be set up. After additional discussion it was decided to pass consideration for the day until the members had more time to study the bill.

SENATE BILL #58:
REPRESENTATIVE EUDAILY moved "be concurred in".
A general discussion followed about what this bill does.
The question was called and the motion carried with the vote unanimous.

SENATE BILL #119:
REPRESENTATIVE KEYSER moved "be concurred in".
Representative Ramirez moved to amend a section he was concerned about. A discussion followed about workmen's compensation and how this bill would be affected by the portion dealing with that subject. Representative Ramirez withdrew his motion and the original motion was back in force. The question was called and the motion carried with the vote unanimous.

SENATE BILL #176:
REPRESENTATIVE LORY moved "be concurred in".
The motion carried with Representative Day voting "no".

SENATE BILL #215:
REPRESENTATIVE CONROY moved "be concurred in".
The motion carried with the vote unanimous.

Chairman Scully assigned the following representatives to carry the respective senate bills as follows:

Senate Bill 40	Representative Lory
Senate Bill 41	Representative Lory
Senate Bill 42	Representative Lory
Senate Bill 43	Representative Lory
Senate Bill 58	Representative Scully
Senate Bill 119	Representative Keyser
Senate Bill 176	Representative Day
Senate Bill 215	Representative Conroy or Roth

The meeting adjourned at 9:00 a.m. so the water sub-committee could meet.

JOHN P. SCULLY, CHAIRMAN

Mary Ellen Connelly

Mary Ellen Connelly, Secretary

SENATE BILL NO. 119

INTRODUCED BY HAZELBAKER, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENABLE PEACE OFFICERS TO RETAIN ALL PRIVILEGES AND IMMUNITIES FROM LIABILITY, AND ALL PENSION, INSURANCE, SALARY, AND OTHER BENEFITS TO WHICH THEY ARE NORMALLY ENTITLED WHEN RESPONDING TO OR PROVIDING ASSISTANCE TO ANY OTHER PEACE OFFICER WHO HAS CALLED FOR ASSISTANCE AND PROVIDING GUIDELINES FOR REIMBURSEMENT OF ENTITIES WHOSE EMPLOYEES ASSIST OTHER ENTITIES UNDER THIS ACT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Law enforcement mutual assistance authorized -- powers, duties, rights, and privileges of assisting officers. A peace officer or any law enforcement entity of any county or municipality or A state government law enforcement entity may request the assistance of a peace officer from another law enforcement entity within the state of Montana. A peace officer, while on such request for assistance, has the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity.

Section 2. Peace officer rendering assistance entitled to all rights of employment. A peace officer rendering assistance under [section 1 of this act] is entitled to the same wage, salary, pension, workers' compensation, and all other service rights for such service as for service rendered within the law enforcement entity in which he is normally employed.

Section 3. Employing entity to pay normal expenses for assisting officer -- reimbursement in certain cases. The law enforcement entity employing a peace officer who renders assistance shall ~~pay~~ MAKE all wage, pension, and disability payments~~, claims~~ AND PAYMENTS for damage to clothing and equipment, DUE TO THE OFFICER AS A RESULT OF THE RENDERING OF ASSISTANCE and SHALL PAY ANY medical expense incurred by ~~its personnel~~ THE OFFICER in rendering assistance FOR WHICH THE OFFICER IS NOT OTHERWISE ENTITLED TO REIMBURSEMENT BY OPERATION OF LAW OR A CONTRACT. Upon making such payment such law enforcement entity shall, IF IT SO REQUESTS, be reimbursed by the law enforcement entity that requested the services ~~out of which the payments arose~~ FOR ALL PAYMENTS MADE FOR WAGES AND DAMAGE TO CLOTHING AND EQUIPMENT AND FOR ANY MEDICAL EXPENSE FOR WHICH NEITHER THE EMPLOYING ENTITY NOR THE OFFICER IS OTHERWISE ENTITLED TO REIMBURSEMENT BY OPERATION OF LAW OR A CONTRACT. The employing entity shall also provide workers' compensation coverage for its employees while rendering assistance.

Section 4. Assisted entity liable for obligation resulting from rendered assistance. A law enforcement entity

requesting assistance under [section 1 of this act] ~~is--also liable--for--any--liability-or-obligation-to~~ SHALL indemnify the assisting peace officer, his legal representative in case of death, or the furnishing law enforcement entity for any liability or obligation to indemnify created by 82-4322.1 and 82-4323 that may result from the assistance furnished.

-End-